

**Remarks**

**I. Status of Claims**

Claims 1-8 have previously been canceled in the above-noted application. By this paper, claims 18-24 are canceled and claim 25 is added. Claims 9-17 and 25 will be pending in the application upon entry of this amendment.

**II. Election of Species**

The Office action dated July 13, 2005, states that the above-identified application contains claims directed to the following patentably distinct species:

- (a) A gaming apparatus with a pinball symbol;
- (b) A gaming apparatus with an automatic switching mechanism;
- (c) A gaming apparatus with a dual-purpose lever.

Applicants hereby elect, without traverse, the species described in sub-paragraph (a), a gaming apparatus with a pinball symbol. Claims 9-17 and 25 of the application are readable on this elected species. Applicants reserve the right to file continuing applications directed toward the non-elected species and toward canceled claims 18-24.

**III. Power of Attorney and Correspondence Address Change**

Applicants have recently submitted forms to the Commissioner to change the attorneys of record in this case. Copies of the Power of Attorney and Correspondence Address Indication Forms signed and dated by the inventors are enclosed for the Examiner's reference. Please direct all future correspondence in this case to Brian G. Panka at the correspondence address indicated below.

**IV. Comments Regarding Pending Claims 9-17 and 25**

**A. Claims 9-17**

Claims 9-17 were added in Applicants' prior Amendment A dated April 14, 2005. Applicants discussed claims 9-17 in detail in the Remarks section of that amendment which is hereby incorporated by reference. In view of the remarks set forth in

Amendment A, favorable consideration and allowance of claims 9-17 are respectfully requested.

**B. New Claim 25**

New claim 25 depends from claim 9 and requires the gaming apparatus include a lever that is operable by the player in the slot mode to activate the slot machine and in the pinball mode to play the pinball game. Applicants do not believe the references of record, alone or in combination, show or suggest this feature. None of the references show or suggest an apparatus comprising a slot machine and a pinball machine where a lever is used to operate both the slot machine and the pinball machine. Accordingly, claim 25 is submitted as patentable over the references of record.

**V. Conclusion**

In view of the foregoing remarks, favorable consideration and allowance of pending claims 9-17 and 25 are respectfully requested. If the Examiner has any questions regarding this response, please contact the undersigned at the indicated phone number.

Respectfully submitted,



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\*Enclosures